**IN THE HIGH COURT OF JUDICATURE**
**ANDHRA PRADESH**
**AT HYDERABAD**

**THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO**

**WP No. 27979 of 1998**

Between :

M/s. Allen Reinforced Plastics
Pvt. Ltd and another .. Petitioners

And

The Hon'ble Labour Court-II,
Hyderabad rep. By its Presiding Officer
And another .. Respondents

**Dated : 31st July 2007**

**JUDGMENT :**

The writ petition has been instituted by the management calling in question the correctness of the orders passed by the Labour Court in ID No. 174 of 1996 dated 10.8.1998. Through the impugned order, the Labour Court had declared the domestic enquiry conducted against the 2nd respondent workman as vitiated for want of payment of subsistence allowance and therefore the petitioner is directed to get evidence in support of their case. I have heard the learned counsel for the petitioners and Sri G.Vidya Sagar, for the respondent-workman. Sri Vidya Sagar in his usual fairness submits that the 2nd respondent – workman has been paid subsistence allowance during the period he

was kept under suspension and therefore the finding of Labour Court that the disciplinary proceedings are vitiated on this score is an unwarranted finding. In this view of the matter, the order passed by the Labour Court on 10.8.1998 in ID No. 174 of 1996 is set aside and the matter is remanded back to the Labour Court to consider the ID No. 174 of 1996 afresh including the question as to the validity of the domestic enquiry conducted by the petitioner herein on its merits at the earliest. The writ petition is disposed of accordingly. No costs.

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knk 31.07.2007